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Rep.JohnDKeenan@hou.state.ma.us

July 2, 2008

Director Risenhoover
Office of Sustainable Fisheries
1315 East-West Highway, SSMC3
Silver Spring, MD 20910

Dear Director Risenhoover:

In 2007, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was re-authorized and directed the National Marine Fisheries Service (NMFS) to update its environmental review procedures for compliance with National Environmental Policy Act (NEPA). The proposed rule with the revised environmental review procedures was released on May 14, 2008.

As the Representative of a coastal community, I am well aware of the importance of protecting our coastal waters. I am pleased that the waters of Salem Sound are the first stretch of North Shore waterfront that the EPA has designated a "No Discharge" area. This is an important milestone in EPA's plan to designate the entire New England coastline. In addition, I am also pleased that on May 28th Governor Patrick signed the Ocean's Act of 2008, the nation's first comprehensive ocean planning law which will help protect our vital natural resources.

While we are making important steps in the responsible stewardship of our waters, I am very concerned that the proposed rule falls short of the intent of Congress that these revised procedures comply with NEPA. Compliance with NEPA is critical to providing both ecosystem-based management and sufficient public comment opportunity on fishery management proposals.

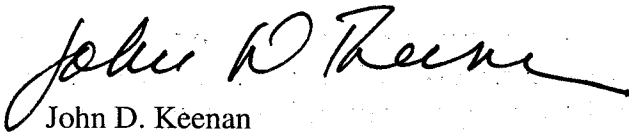
As proposed, the new rules would have the following impacts:

- Complicates NEPA compliance
Under the proposed rule, procedures will become more difficult to complete with the introduction of new documents with different requirements.

- Increased control given to fishing industry
 - Environmental review responsibility moved from NMFS to fishery management councils, which often have substantial financial interests in the local fisheries.
- More opportunities for avoiding environment reviews
 - Fishery managers could utilize categorical exclusions, framework procedures, and other mechanisms to avoid both environmental review and public input.
- Reduces the opportunity for the public to comment on proposals in both timeframe and subject matter
 - The public comment period could be decreased from the current 45 day allotment to as little as 14 days. Moreover, any concerns not voiced within this initial comment period could not be raised during subsequent comment periods.

If adopted, this proposal would undermine the application of NEPA to the detriment of both fishery management and ocean ecosystems. I urge you to withdraw this proposal and redraft it to maintain the intent of Congress and President Bush.

Sincerely,



John D. Keenan
State Representative
7th Essex - Salem